

REMARKS / DISCUSSION OF ISSUES

Claims 1-21 are pending in the application.

The applicants respectfully request the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

The Office action rejects claims 17-19 under 35 U.S.C. 101. The applicants request the Examiner's reconsideration in view of amended claims 17-19.

The Office action rejects claims 1-21 under 35 U.S.C. 102(e) over Kato et al. (USP 6,535,556, hereinafter Kato). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Kato fails to teach determining if the segment can be reconstructed from at least another video picture based on motion-compensated interpolation applied to the other video picture, as specifically claimed in claims 1, 5, 18, and 19 upon which claims 2-4, 6-8 and 20-21 depend.

The Office action asserts that Kato teaches determining if the segment can be reconstructed from at least another video picture based on motion-compensated interpolation applied to the other video picture at step SP21 in FIG. 10, and cites Kato column 17, lines 34-48 and column 15, lines 6-40 for this teaching. The applicants respectfully disagree with this assertion. The text of SP21 states: "Calculates the coding difficulty and obtains a parameter x". The cited text provides details for this step as follows:

"Then next, the function of the coding control unit 31 will be described referring to a flow chart of FIG. 10. In this operation, the degree of coding difficulty is calculated from the intra AC data S28 from the intra AC operation circuit 43 and the ME residue calculated at the ME residue calculating unit 61 by the coding difficulty calculating unit 63 and the parameter x is obtained (step S21). The parameter x is calculated based on the degree of coding difficulties of N numbers of pictures following the predictive picture to be coded." (Kato, column 17, lines 34-43.)

"The coding difficulty shows the degree of picture coding difficulty or put it another way, this can be translated to the ratio of data volumes necessary for maintaining the consistent picture quality. Various methods for converting the degree of coding difficulty into numbers can be considered, however, according to the second embodiment, the degree of coding difficulty on I picture will be obtained using the intra AC and the degrees of coding difficulties on P picture and B picture will be obtained using the ME residue. As described earlier, the intra AC shows the complexity of picture patterns and the ME residue shows the movement speed of the image and complexity of picture patterns and since these strongly correlate with the degree of coding difficulty, the degree of coding difficulty can be calculated from the intra AC and the ME residue by linear functions making the intra AC and the ME residue as variables." (Kato, column 15, lines 24-39)

As is clear from the above, Kato determines whether to skip the encoding of a block based on a degree of coding difficulty, and not based on whether the segment can be reconstructed from at least another video picture based on motion-compensated interpolation applied to the other video picture, as specifically claimed in each of independent claims 1, 5, 18, and 19.

Kato also fails to teach reconstructing the segment from motion-compensated interpolation applied to at least another video picture, as specifically claimed in claims 9, 13, and 17 upon which claims 10-12 and 14-16 depend.

The Office action asserts that Kato provides this teaching at column 15, lines 6-40. The applicants respectfully disagree with this assertion. At the cited text, a portion of which is provided above, Kato teaches an encoding process that selectively encodes segments to avoid buffer overflow, based in part on the coding difficulty associated with the segment. Nowhere in the cited text does Kato teach

reconstructing a segment, as specifically claimed in each of independent claims 9, 13, and 17.

Because Kato fails to teach each of the elements of each of the independent claims 1, 5, 9, 13, 17, 18, and 19, the applicants respectfully maintain that the rejection of claims 1-21 under 35 U.S.C. 102(e) over Kato is unfounded, per MPEP 2131, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Registration Number 41,508
Phone: 804-493-0707
Fax: 215-243-7525

Please direct all correspondence to:
Larry Liberchuk, Esq.
Philips Intellectual Property and Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615